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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,644	04/08/2004	Reid C. Sellgren	2567.05US02	8485

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EXAMINER	
AMARI, ALESSANDRO V	
ART UNIT	**PAPER NUMBER**
2872	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,644	SELLGREN ET AL.	
	Examiner	Art Unit	
	Alessandro V. Amari	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-5 and 8-12 is/are rejected.

7)☒ Claim(s) 6 and 7 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 28 April 2004 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/28/2005.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 14-17 are illegible. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellgren et al US 6,420,682 in view of Faloon et al US 5,575,552.

In regard to claim 1, Sellgren et al teaches (see Figures 2, 3) a fogless mirror comprising a transparent substrate (20) and reflective coating (22) attached to the transparent substrate, a heater element (24) mounted with respect to the mirror. Regarding claim 8, Sellgren et al teaches (see Figures 12, 13) a finish frame (52) that is engagingly adjoined to the mirror perimeter, wherein the finish frame extends beyond the perimeter of the mirror such that the finish frame bridges a seam created by the fogless mirror assembly and a surface upon which the fogless mirror assembly is

mounted. Regarding claim 9, Sellgren et al teaches a power supply that is operably connected to at least one of the heater element and the light assembly that is controlled remotely through a device selected from the group comprised of alight switch, a timer, or a fan as described in column 6, lines 13-29. Regarding claim 10, Sellgren et al teaches a power supply that is operably connected to at least one of the heater element and the light assembly that is controlled by a water faucet as described in column 6, lines 13-29.

However, in regard to claim 1, Sellgren et al does not teach that the mirror has at least one light transmissive region and a light assembly mounted with respect to the mirror such that light emitted from the light assembly passes through the light transmissive region. In regard to claim 2, Sellgren et al does not teach the light assembly is comprised of a plurality of light sources.

In regard to claim 1, Faloon et al teaches (see Figures 1, 5) at least one light transmissive region (28) and a light assembly (62, 64, 66, 70) mounted with respect to the mirror such that light emitted from the light assembly passes through the light transmissive region as described in column 5, lines 1-8. Regarding claim 2, Faloon et al teaches (see Figure 5) that the light assembly is comprised of a plurality of light sources (62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the light assembly as taught by Faloon et al in the mirror of Sellgren et al in order to provide illumination in order to increase convenience and ability to perform other tasks (i.e., shaving) for the user.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sellgren et al US 6,420,682 in view of Faloon et al US 5,575,552.

Regarding claim 3, Sellgren et al in view of Faloon et al teaches the invention as set forth above but does not teach that light sources are light emitting diodes. Official Notice is taken that it is notoriously old and well known in the mirror art to use light emitting diodes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize light emitting diodes in the mirror assembly of Sellgren et al in view of Faloon et al in order to provide for a longer lasting light source for the mirror.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellgren et al US 6,420,682 in view of Faloon et al US 5,575,552 and further in view of Jones et al US 6,512,203.

Regarding claims 4 and 5, Sellgren et al in view of Faloon et al teaches the invention as set forth above but in regard to claim 4 does not teach that the heater element is a resistor or in regard to claim 5 that the heater element is a polymer thick film heater.

Regarding claims 4 and 5, Jones et al teaches that the heater element is a resistor and a polymer thick film heater as described in column 4, lines 19-37 and 48-50.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymer thick film heater of Jones et al for the heater

element of Sellgren et al in view of Faloon et al in order to improve the electrical conductivity of the heater and to provide for quicker heating of the mirror surface.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellgren et al US 6,420,682 in view of Faloon et al US 5,575,552 and further in view of Gorischek US 2002/0196333.

Regarding claims 11 and 12, Sellgren et al in view of Faloon et al teaches the invention as set forth above and in regard to claim 11, Sellgren et al teaches a power supply that is operable attached to at least one of the heater element as described in column 5, lines 42-67 and column 6, lines 1-29 but does not teach in regard to claim 11, that the power supply is controlled through touch type controls integrated into the mirror or in regard to claim 12, the additional technologies claimed.

Regarding claim 11, Gorischek teaches (see Figures 1, 2C) that the power supply is controlled through touch type controls (18, 60) integrated into the mirror as described on page 2, paragraphs 0023, 0024, 0025 and 0026.

Regarding claim 12, Gorischek teaches that additional technologies are incorporated in to the mirror as described in page 2, paragraphs 0025, 0026, 0030, 0035, 0036 and 0037.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the touch type controls and associated technologies as taught by Gorischek in the mirror of Sellgren et al in view of Faloon et al in order to provide easier access to interactive features and technologies for the mirror to enhance convenience for the user.

Allowable Subject Matter

7. Claims 6 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 6 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "a mounting plate having a back section, side sections, and flange sections, wherein the side sections extend substantially around the back section and define a recess formed therein that is adapted to receive the light assembly, wherein the flange sections extend from the side sections opposite the back section, and wherein the flange sections each have a plurality of apertures" as set forth in the claimed combination. Claim 7 is also allowable based upon its dependence on claim 6.

The prior art of record teaches a fogless mirror comprising a mirror with a light transmissive region, a heater element and a light assembly mounted with respect to the mirror such that light emitted from the light assembly passes through the light transmissive region. However, the prior art of record does not teach a mounting plate having a back section, side sections, and flange sections, wherein the side sections extend substantially around the back section and define a recess formed therein that is adapted to receive the light assembly, wherein the flange sections extend from the side sections opposite the back section, and wherein the flange sections each have a plurality of apertures and there is no motivation or teaching to modify this difference as derived.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava
12 September 2005

Alessandro Amari
Alessandro Amari
Examiner AU 2872